States", when used in its meaning as Congress' exclusive jurisdiction over federal property, territories, lands areas defined in Article 1, Section 8, Clause 17 (1:8:17) and in Article 4, Section 3, Clause 2 (4:3:2) of the Constitution, as opposed to the limited jurisdiction of the federal government under the constitution over the 50 states of the union that is the constitutional republic, the united States of America, under Article 1, Section 8 et all , (excepting Clause 17}, when used in this respect as its jurisdiction over federal property, territories, lands areas defined in Article 1, Section 8, Clause 17 (1:8:17) and in Article 4, Section 3, Clause 2 (4:3:2, the "United States" is foreign with respect to the 50 states of the union united by and under the Constitution. that is the constitutional republic, the united States of America. Such that the Supreme Court has ruled *"...we have in this country substantially or practically two national governments;.."* Downes v. Bidwell, *182 U.S. 244. See also* Hooven & Allison Co. vs Evatt, *324 U.S. 652 (1945)*

8. Congress must be considered in two distinct characters. In one character as legislating for the states, in the other, as a local legislature for the district. In the latter character, it is not a constitutional court enforcing the original constitution and our unalienable rights. *Loughborough vs Blake, 15 U.S. (5 Wheat.) 317 – 5 L.Ed. 98 (1820)*

9. The term "*unalienable*", when defining our fundamental rights in our Declaration of Independence, and the rights guaranteed by the Bill of Rights means: *"Rights which can* ***never*** *be abridged because they are so fundamental" - Black's Law Dictionary, 6th Edition, p.1057*

10. Our Constitution and the Bill of Rights only *enumerated* (listed) those rights, they did NOT give us those rights, they are ours at birth. They are NOT *privileges* that can be granted, nor can they be taken away or abridged. The "*unalienable*" Rights of EVERY AMERICAN are guaranteed at birth. However, the courts continue to systematically abridge and incrementally deny my unalienable rights!

11. Chief Justice John Marshall, writing in the year 1828 makes a very clear distinction between judicial courts, authorized by Article III, and legislative (territorial) courts, authorized by Article IV. Marshall even utilizes some of the

exact wording of Article IV to differentiate those courts from Article III "judicial power" courts, as follows: *These territorial courts then, are not Constitutional courts, in which the judicial power conferred by the Constitution on the general government can be deposited. They are incapable of receiving it. They are legislative courts, created in virtue of the general rights of sovereignty which exists in the government, or in virtue of that clause which enables Congress to make all needful rules and regulations, respecting the territory belonging to the United States. The jurisdiction with which they are invested, is not a part of that judicial power which is defined in the 3d article of the Constitution....In legislating for them, Congress exercises the combined powers of the general and of the State government. American Insurance Co. v. 356 Bales of Cotton, 1 Pet. 511 (1828), emphasis added. ....the phrase "court of the United States", when used in a federal statute, is generally construed as not referring to "territorial courts." See Balzac v. Porto Rico, 258 U.S. 298 at 312 (1921), 42 S.Ct. 343, 66 L.Ed. 627. In Balzac, the high Court stated: The United States District Court is not a true United States court established under Article III of the Constitution to administer the judicial power of the United States therein conveyed. It is created by virtue of the sovereign congressional faculty, granted under Article IV, Section 3 of that instrument, of making all needful rules and regulations respecting the territory belonging to the United States.*

12. *As opposed to those "Citizen[s] of the United States" as found in the original Constitution who are a "Citizen of one of the United States i.e., a Union State Citizen, Dred Scott v. Sandford, 19 How. 393, 404 (1856)] "..... united by and under the [US] Constitution" Hooven & Allison Co. v. Evatt, 324 U.S. 652 (1945)] the Constitutional republic, united States of America. and who are not under the direct protection and possession of Congress, and subject to its sovereign jurisdiction and to the jurisdiction and laws of the federal United States or federal UNITED STATES, INC., but are under the protection of the Constitutions of the states of the republic whereon they are citizens and of that Constitutional republic of the 50 states, United States of America, under the Congress acting in its*

limited jurisdiction under Article 1, Section 8 et all , (excepting Clause 17) of the constitution over the 50 states of that constitutional republic, the United States of America whose jurisdiction and laws for de jure sovereign born Citizens on the land on one of the several States of the republic: "Citizens of one of the United States" who are "Citizens of the United States" Dred Scott v. Sandford, (U.S. Constitution 1:2:2, 1:3:3 and 2:1:5.), are not the laws of Congress acting in its absolute authority and exclusive power in Article 4, Section 3, Clause 2 (4:3:2) See Brushaber v. Union Pacific Railroad Company, 240 U.S. 1 (1916), and Treasury Directive 2313, as noted in memoranda above, are nonresident aliens with respect to such jurisdiction of Congress and its laws over the federal United States, i.e. the federal zone and its" residents" and [federal] "citizens of the United States".

13. As is discussed in the MEMORANDUM OF JURISDICTION above, and as was determined in *Brushaber v. Union Pacific Railroad Company, 240 U.S. 1 (1916),* wherein the plaintiff identified himself, and acknowledged as a Citizen of New York State and was classified by the Court in its ruling as a "nonresident alien". In the year 1868 or now the 14th amendment created no new status for the "Citizen of one of the United States***", i.e., a Union State Citizen." *Dred Scott v. Sandford,*. State Citizens are Citizens of the United States by virtue of being born sovereign state Citizens on the land on one of the states of the union of several states that is the Constitutional republic, the united States of America , as per Article 2, Section 1, Clause 5 (2:1:5) and, as such, they are fully entitled to the "Privileges and Immunities" mentioned in Article 4, Section 2, Clause 1 (4:2:1), as unalienable rights. There can be no law, statute or treaty that can be in conflict with the intent of the original founding Constitution. For, if this were permitted to occur, the founding Constitution would be a nullity. The original Constitution of 1787 is perpetual, as is the Citizenship that is recognized by it. *See Texas v. White, 7 Wallace 700 (1869).*

14. Unalienable rights and protections of Constitutional law cannot be overruled or abolished by any act of congress. It is a material question here raised in Petitioners petition to challenge and determine the Court's jurisdiction: Whether this

court has sworn its oath to uphold that Constitution created under 1787 or is it to some other jurisdiction of government entitled "United States" or "United States of America", not directly created by that constitution created through the sovereign electors on the land, on the several states of the Constitutional republic, the United States of America which is **not a jurisdiction in and of the** 50 states of the union, that is the constitutional republic, the United States of America.

15. A declaration on the record of the Court to resolve the courts actual jurisdiction and proper setting under its oaths and bonds and certifications of offices and issues in doubt already cited in this petition being necessary, therefore hearing is being sought for this petitions consideration, unless the Court, would determine without hearing to grant this petition to vacate and reverse lower courts orders for causes already shown or others, making hearing and declaration of the Court on the record unnecessary.

WHEREFORE, for all these facts / reasons and memorandum of law in support of petition, petitioner requests:

RELIEF REQUESTED

Petitioner requests mandate for reversal of District Courts and / or 7th Circuit Court of Appeals decision as stated in this petition and for relief requested in amended complaint filed in District Court as well as appropriate and effective action to restore Petitioners to their home / property / land immediately.

Date 5-2-06

Sincerely,

Graciela Amaya, Petitioner/s

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

October 1, 2004

Graciela Amaya,

Plaintiff – Appellant,

Appeal from the U.S. Dist. Ct. for the Eastern Dist. of WI

Nos. 04-2510 and 04-2603

No. 03 C 1277

v.

Jay J. Pitner, Gray & End LLC, World Savings Bank, et al.

Charles N. Clevert, Jr., Judge.

Defendants -- Appellees.

ORDER

On consideration of the "JURISDICTIONAL MEMORANDUM" filed by appellant on June 25, 2004, the "RESPONSE OF APPELLEES, JAY J. PITNER, GRAY & END, LLP, WORLD SAVINGS BANK, UNKNOWN EMPLOYEES OF GRAY & END, AND UNKNOWN EMPLOYEES OF WORLD SAVINGS BANK, TO THE APPELLANTS'S JURISDICTIONAL MEMORANDUM" filed on July 12, 2004, "DEFENDANTS-APPELLEES MILWAUKEE COUNTY, SUSAN WITCLIFFE, THE MILWAUKEE SHERIFF'S DEPARTMENT, AND UNKNOWN DETECTIVES OF THE SHERIFF'S DEPARTMENT'S RESPONSE TO THE PLAINTIFF-APPELLANT'S JURISDICTIONAL MEMORANDUM" filed on July 12, 2004, and the "RESPONSE OF APPELLEE MICHAEL D. GUOLEE TO APPELLANT'S JURISDICTIONAL MEMORANDUM" filed on July 12, 2004,

-over-

IT IS ORDERED that this appeal shall proceed to briefing. The briefing schedule is as follows:

1. The plaintiff-appellant shall file her consolidated brief and required short appendix on or before November 8, 2004.
2. The defendants-appellees shall file their respective consolidated briefs on or before December 8, 2004.
3. The plaintiff-appellant shall file her consolidated reply brief, if any, on or before December 22, 2004.

Counsel for appellees are cautioned to avoid unnecessary Duplication by filing a joint brief or a joint appendix or by adopting parts of a co-appellee's brief. Duplicative briefing will be stricken and may result in disciplinary sanctions against counsel. See United States v. Torres, 170 F.3d 749 (7th Cir. 1999); United States v. Ashman, 964 F.2d 596 (7th Cir. 1992).

Further, the clerk is directed to distribute, along with briefs in this consolidated appeal, copies of the court's order of June 18, 2004, and the jurisdictional memoranda filed by the parties.

NOTE: Counsel should note that the digital copy of the brief required by Circuit Rule 31(e) must contain the entire brief from cover to conclusion. The language in the rule that "[t]he disk contain nothing more than the text of the brief.." means that the disk must not contain other files, not that tabular matter or other sections of the brief not included in the word count should be omitted. The parties are advised that Federal Rule of Appellate Procedure 26(c), which allows for three additional days after service by mail, does not apply when the due dates of briefs are set by order of this court. All briefs are due by the dates ordered.

United States Court of Appeals
For the Seventh Circuit
Chicago, Illinois 60604

January 14, 2005

Graciela Amaya,

Plaintiff – Appellant,

Appeal from the U.S. Dist. Ct. for the Eastern Dist. of WI

Nos. 04-2510 and 04-2603

No. 03 C 1277

v.

Jay J. Pitner, Gray & End LLC, World Savings Bank, et al.

Charles N. Clevert, Jr., Judge.

Defendants -- Appellees.

v.

No. 03 C 1277

Jay J. Pitner, et al.,

Defendants -- Appellees.

Charles N. Clevert, Jr., Judge

IT IS ORDERED that briefing in these appeals will proceed as follows:

1. The briefs of the appellees are due February 14, 2005.
2. The reply brief of the appellant, if any, is due February 28, 2005.

Note: Circuit Rule 31(c) (amended Dec. 1, 2001) requires that counsel tender a digital copy of a brief, from cover to conclusion, at the time the paper copies are tendered for filing. The file must be a text based PDF (portable document format), which contains the entire brief from cover to conclusion. Graphic scanned PDF images do not comply with this rule and will not be accepted by the clerk.

Rule 26(c), Fed. R. App.P., which allows three additional days after service by mail, does not apply when the due dates for briefs are specifically set by order of this court. All briefs are due by the dates ordered.